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STATUTORY INSTRUMENTS

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**2018 No. 409**

**The Short-term Holding Facility Rules 2018**

**PART 3**

**DETAINED PERSONS**

*Admission and discharge*

**Search**

**10.**—(1) Every detained person must be searched by a detainee custody officer or an immigration officer for reasons of the security of the short-term holding facility and the safety of the detained person or other persons—

- (a) when taken into custody by a detainee custody officer or an immigration officer;
- (b) on reception into a short-term holding facility, and
- (c) subsequently as the manager thinks necessary.

(2) A detained person must be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) Where a detained person under the age of 18 is detained at the same short-term holding facility as their parent or carer, that parent or carer must, where possible, be present during any search of the detained person under the age of 18.

(4) A full search may be carried out under paragraph (1), but such a search must not be carried out within the presence of—

- (a) another detained person, or
- (b) a person of the opposite sex.

(5) A full search of a detained person under the age of 18 must not be carried out under this rule.

(6) An intimate search may not be carried out under this rule.

(7) A detainee custody officer or an immigration officer may confiscate any item located as a result of a search under paragraph (1) that the detainee custody officer or immigration officer has reasonable grounds to believe may compromise the security of the short-term holding facility or the safety of any person.

(8) The manager may at any time confiscate an unauthorised item found concealed or deposited anywhere within the short-term holding facility.

(9) Any item confiscated under paragraph (7) or (8) may be disposed of in such manner as the manager may direct, which may include returning the item to the detained person upon discharge from the short-term holding facility.

(10) For the purposes of this rule “full search” means a search which involves the removal of an item of clothing which—

- (a) is being worn wholly or partly on the trunk, and
- (b) is being so worn either next to the skin or next to an article of underwear.

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**Status:** Point in time view as at 02/07/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Short-term Holding Facility Rules 2018, Section 10. (See end of Document for details)

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(11) For the purposes of paragraph (6) “intimate search” means a search which consists of the physical examination of a person's body orifices other than the mouth.

**Status:**

Point in time view as at 02/07/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the The Short-term Holding Facility Rules 2018, Section 10.